

PATENT  
Attorney Docket No. 101.0042-05000  
Customer No. 22882

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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JUN 18 2007

In re Application of:	)	Confirmation No.: 7210
Gary Karlin Michelson	)	
Serial No.: 10/098,683	)	Group Art Unit: 3731
Filed: March 15, 2002	)	Examiner: Uyen T. Ho
For: SPINAL IMPLANT CONTAINING	)	
BONE MORPHOGENETIC	)	
PROTEIN	)	

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicant brings to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed concurrently with a Request for Continued Examination (RCE) for the above-referenced application.

Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

A copy of the non-U.S. Patent document is enclosed herewith.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicant determines that the cited documents do not constitute "prior art" under United States law, Applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 50-3726.

Respectfully submitted,

MARTIN & FERRARO, LLP

Date: June 18, 2007

By: 

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OMB 0651-0031

Substitute for FORM PTO-1449		Attorney Docket Number 101.0042-05000		Customer No. 22882	
<b>INFORMATION DISCLOSURE CITATION IN AN APPLICATION</b> (Use several sheets if necessary) Sheet <u>1</u> of <u>1</u>		Applicant Gary Karlin Michelson		Application Number 10/098,683	
		Filing Date March 15, 2002		Group Art Unit 3731	Examiner Uyen T. Ho
<b>U.S. PATENT DOCUMENTS</b>					
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	FILING DATE IF APPROPRIATE
	6,522,899	6/1996	Michelson		
<b>FOREIGN PATENT DOCUMENTS</b>					
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	TRANSLATION (YES/NO)
	0 599 766	3/1993	Europe		N/A
<b>OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)</b>					
<b>EXAMINER</b>		<b>DATE CONSIDERED</b>			
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.					